

REMARKS

Status of the Claims

Claims 1-38 are currently pending after entry of this amendment. Claims 1-38 stand rejected. Claims 1, 6, 7, 13, 22, 30, and 35, have been amended. Entry and consideration of these claims is respectfully requested.

Support for Amendments

No new matter is believed to have been added by these amendments.

Support for the amendment to claims 1, 22, and 35 can be found in original claim 6 and in FIGS. 1-7.

Claims 6 and 7 have been amended to eliminate any duplication that may have been caused by the amendments to claim 1.

Claims 13 and 30 have been amended to correct a grammatical error.

In the Specification

The Examiner objects to a grammatical error on page 11, line 27 of the specification. Applicants have submitted a replacement paragraph which obviates the Examiner's objection. Applicants respectfully request the Examiner to withdraw this objection.

Rejections Under 35 U.S.C. § 103(a)

1. Claims 1-4, 6, 10, 13, 19-24, 26, 27, 30, 33, and 34

Claims 1-4, 6, 10, 13, 19-24, 26, 27, 30, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Clemens, U.S. Patent No. 3,007,623, in view of Bray et al., U.S. Patent No. 6,164,444. Applicants submit that this rejection is overcome by the present amendments.

The Examiner asserts that it would have been obvious to one of skill in the art to provide the package of Clemens with a sealing layer over each opening as taught by Bray et al. in order to ensure the freshness of the contents. Applicants submit that this rejection is overcome by the present amendments.

The combination of Clemens and Bray, even if proper, would fail to provide all the elements of independent claims 1 and 22 as amended. Independent claims 1 and 22, as well as the claims that depend therefrom, require a container with two lids. The first lid is attached to a first side body panel and the second lid is attached to a second side body panel such that the first and second lids are hingedly attached to the container at diametrically opposed attachment points. Merriam-Webster's Collegiate Dictionary (10th Edition, 2002) defines "diametric" as relating to a diameter. A diameter is defined as a chord passing through the center of a figure or body. Clemens does not teach or disclose a package having two lids hingedly attached at points that are approximately diametrically opposed to one another with respect to the center of the container. Likewise, Bray does not teach or suggest an article with two lids.

Accordingly, the combination of Clemens and Bray does not teach or suggest each and every element of the rejected claims and Applicants respectfully request this rejection be withdrawn.

2. Claims 25, 35, 36, and 38

Claims 25, 35, 36, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Clemens in view of Bray et al. as applied to claim 22 above, and further in view of Keaveney et al, U.S. Patent No. 5,938,018. These rejections have been obviated by the current amendments to independent claims 22 and 35.

Independent claims 22 and 35 have been amended to recite a package for articles with two lids. The first lid is attached to a first side body panel and the second lid is attached to a second side body panel such that the first and second lids are attached to the container of the package at diametrically opposed attachment points. None of the references cited, Clemens, Bray et al., nor Keaveney et al., teach or suggest such a feature.

The combination of Clemens and Bray et al. is discussed above with respect to claim 22. The Examiner asserts that Keaveney discloses a cigarette container with a flexible sheet hinge and that it would have been obvious to one of ordinary skill in the art to provide the container of Clemens-Bray with a hinge of flexible sheet material as taught by Keaveney et al. in order to allow for the removal of the lid. However,

Keaveney fails to teach diametrically opposed lid hinges. The combination of the cited references, even if proper, does not teach each and every element of the claimed invention. Therefore, Applicants respectfully request the rejection be withdrawn.

3. Claims 1-7, 10, 15, 19, and 20

Claims 1-7, 10, 15, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore, U.S. Patent No. 2,185,604 in view of Clemens and Allen et al., U.S. Patent No. 4,026,063. These rejections have been obviated by the current amendments to independent claim 1.

Claim 1 has been amended to recite a package for articles with two lids. The first lid is attached to a first side body panel and the second lid is attached to a second side body panel such that the first and second lids are hingedly attached to the container of the package at diametrically opposed attachment points. The combination of Moore, Clemens, and Allen et al., even if proper, does not teach or suggest such a feature. Therefore, Applicants respectfully request the rejection be withdrawn.

4. Claims 8, 9, 17, 18, 22, 28, 29, 31, and 32

Claims 8, 9, 17, 18, 22, 28, 29, 31, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore-Clemens- Allen et al., as applied to claim 1 above and further in view of Dula, U.S. Patent No. 1,253,219. These rejections have been obviated by the current amendments to independent claims 1 and 22.

Claims 1 and 22 have been amended, as discussed above to recite two lids. The first lid is attached to a first side body panel and the second lid is hingedly attached to a second side body panel such that the first and second lids are attached to the container of the package at diametrically opposed attachment points. The combination of Moore, Clemens, Allen et al., and Dula, even if proper, does not teach or suggest such a feature. Therefore, Applicants respectfully request the rejection be withdrawn.

5. Claims 11, 13, and 16

Claims 11, 13, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore-Clemens- Allen et al., as applied to claim 10 above and

further in view of Keaveney et al. These rejections have been obviated by the current amendments to independent claim 1.

Claim 1 has been amended to recite a package for articles with two lids. The first lid is attached to a first side body panel and the second lid is hingedly attached to a second side body panel such that the first and second lids are attached to the container of the package at diametrically opposed attachment points. The combination of Moore, Clemens, Allen et al., and Keaveney et al., even if proper, does not teach or suggest such a feature. Therefore, Applicants respectfully request the rejection be withdrawn.

6. Claims 12 and 14

Claims 12 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore-Clemens- Allen et al., as applied to claim 10 above and further in view of Cryder, U.S. Patent No. 1,577,566. These rejections have been obviated by the current amendments to independent claim 1.

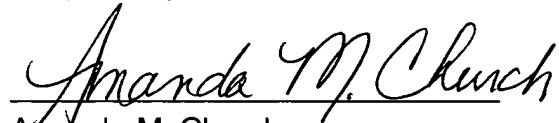
Claim 1 has been amended to recite a package for articles with two lids. The first lid is attached to a first side body panel and the second lid is hingedly attached to a second side body panel such that the first and second lids are attached to the container of the package at diametrically opposed attachment points. The combination of Moore, Clemens, Allen et al., and Cryder, even if proper, does not teach or suggest such a feature. Therefore, Applicants respectfully request the rejection be withdrawn.

CONCLUSION

Applicants believe they have completely addressed all the objections and rejections raised by the Examiner. Applicants believe that all the claims are in condition to be allowed and respectfully request the same. If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4787 to resolve any remaining issues.

A petition for a one (1) month extension of time is also attached hereto.

Respectfully submitted,



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